

K. Rouse / ifc / morini
SOLICITOR *24*
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U.S. PATENT & TRADEMARK OFFICE

UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

Appeal No. 02-1443
(Serial No. 08/687,217)

IN RE MORINI ET AL.

Appeal from the Board of Patent Appeals and Interferences

APPELLANTS' UNOPPOSED MOTION FOR REMAND

1. Pursuant to Fed. Cir. R. 27, Appellants Giampiero Morini, Enrico Albizatti, Giulio Balbontin, Giovanni Baruzzi, and Antonio Cristofori (collectively "Morini") move to remand this appeal to the U.S. Patent & Trademark Office ("USPTO") on the terms set forth herein. In support of this Motion, Morini states as follows:

2. On April 29, 2002, Morini filed a Notice of Appeal to this Court, seeking review of the decision of the USPTO Board of Patent Appeals and Interferences ("the Board") in Appeal No. 1999-0809, regarding patent application No. 08/603,497. The Board's decision was entered on February 28, 2002; Morini's Notice of Appeal was timely filed within sixty days as required by 35 U.S.C. § 142 and 37 C.F.R. § 1.304(a).

3. The Board's decision contained a new ground of rejection pursuant to 37 C.F.R. C.F.R. § 1.196(b). Under that rule, prior to review by this Court, Morini was required to address the new ground of rejection by either (1) submitting an appropriate amendment and having the matter reconsidered by the examiner (37 C.F.R. § 1.196(b)(1)); or (2) seeking rehearing before the Board (37 C.F.R. § 1.196(b)(2)).

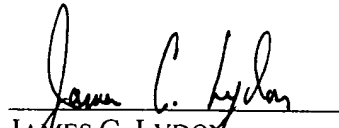
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5. In the interest of efficiency and to avoid any duplication of proceedings, Morini moves for this case to be remanded to the USPTO for further proceedings pursuant to 37 C.F.R. § 1.196(b). Morini reserves all rights of appeal with respect to the application and with respect to his pending Notice of Appeal.

6. Morini has obtained the consent of the USPTO's Solicitor's Office to the filing of this motion.

7. Morini therefore respectfully requests this Court to remand this action to the USPTO.

WHEREFORE, for the foregoing reasons, Morini respectfully requests the Court to enter an Order granting Appellants' Unopposed Motion to Remand on the terms set forth herein.


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Attorney for Morini, et al.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

IN RE MORINI, 02-1443

Certificate of Interest

Counsel for the appellants, Morini et al., certifies the following:

1. The full name of every party or amicus represented by me is:
Giampiero Morini;
Enrico Albizzati;
Giulio Balbontin;
Giovanni Baruzzi;
Antonio Cristofori.

2. The name of the real party in interest represented by me is:
Basell Poliolefine Italia S.p.A.;

Note: Montell North America, Inc. changed its name to Basell North America Inc. The application was then assigned from Basell North America, Inc. to Basell Technology Company B.V., which assigned it to Basell Poliolefine Italia S.p.A.

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party represented by me are:
 - a. Parent Corporation:
Basell N.V.
 - b. Publicly held corporations which hold 10 percent or more of the stock of the party represented by me are:
The "Shell" Transport and Trading Company, p.l.c.;
N.V. Koninklijke Nederlandsche Petroleum Maatschappij (Royal Dutch Petroleum Company); and
BASF Aktiengesellschaft

4. The names of all law firms and the partners or associates that appeared for the party now represented by me in the trial court or agency or are expected to appear for the party in this court are:

Adduci, Mastriani & Schaumberg, LLP; James C. Lydon, Esq; Joanne L. Horn, Esq., William R. Reid, Esq.; Joanne W. Patterson

August 8, 2002
Date

James C. Lydon
Signature of Counsel

James C. Lydon
Printed Name of Counsel

Attachments:

Entry of Appearance of James C. Lydon
Proof of Service

UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

Appeal No. 02-1443
(Serial No. 08/603,497)

IN RE MORINI ET AL.

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ORDER

Upon consideration of Appellants' Unopposed Motion to Remand, it is hereby ORDERED that: the Appellants' Unopposed Motion to Remand is granted, and this action is remanded to the United States Patent & Trademark Office for further proceedings.

Date: _____

FOR THE COURT

cc:

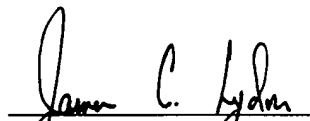
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JOHN M. WHEALAN
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CERTIFICATE OF SERVICE

I hereby certify that on August 8, 2002, I caused a copy of the foregoing
APPELLANTS' UNOPPOSED MOTION TO REMAND and proposed ORDER to be mailed by
United States mail (first class postage prepaid), addressed as follows:

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